

REMARKS/ARGUMENTS

Claims 1-29 and 31-59 are pending. Claims 1, 29, 31, 33, 34 and 37 are amended. New dependent claims 50-59 are added. Claim 30 is canceled without prejudice or disclaimer.

Initially, Applicant respectfully requests that the reference of WO 88/07825 cited in the Information Disclosure Statement filed November 3, 2003 be acknowledged as having been considered in the next Office Action. It is believed that initials were simply inadvertently omitted next to the listing of this reference on the PTO-1449.

In response to the Office Action, favorable reconsideration and allowance of the present application are respectfully requested. The Office Action rejects claims 1-5, 26, 27, 29 and 35 as anticipated by Cole. Claims 6-9 were rejected as obvious in view of the French reference to Thierry. Claim 28 was rejected as obvious in view of Hunkeler and Swezey. Claims 1, 10, 25, 29, 36, 40-43, 46 and 47 were rejected as obvious in view of Hunkeler and Cole. Claims 19 and 21-23 were rejected as obvious in view of Hunkeler, Cole and Sloane. Claims 44-45 were rejected as obvious in view of Hunkeler, Cole and Thierry. Claims 48 and 49 were rejected as obvious in view of Hunkeler, Cole and Barratt.

Claims 11-18, 20, 24, 30-34 and 37-39 were objected to, but indicated as allowable if rewritten in independent form. Further, the Office Action withdraws the previous restriction requirement. The withdrawal of the restriction requirement and the indication of allowable subject matter is gratefully acknowledged. For the reasons set forth in detail below, it is respectfully submitted that all claims are now in condition for allowance.

In view of the indication of allowable subject matter, claim 29 is amended to include the features previously set forth in claim 30. Further, claim 37 is rewritten in independent form, including the features previously set forth in claims 29 and 36. In rewriting claim 37 in independent form, because claim 29 originally set forth that the packaging device includes at

least one of the breakable junction and the adhesive sheet, and because claim 36 set forth that the packaging device does include the adhesive sheet (without requiring the breakable junction), the breakable junction feature was not included in rewriting claim 37 in independent form.

In view of the indication of allowable subject matter, it is submitted that claims 29 and 37 are allowable as acknowledge in the Office Action. Further, the claims depending therefrom are allowable for at least the same reasons for which the independent claims are allowable. As discussed in detail below, it is further submitted that the remaining independent claims, claims 1 and 28, are also in condition for allowance.

The Office Action rejected claim 1 as anticipated by Cole, and also as obvious in view of Hunkeler in combination with Cole. However, it is respectfully submitted that the cited references fail to disclose or render obvious the combined features set forth in claim 1.

With regard to Cole alone, it is submitted that even prior to the present amendment, Cole failed to anticipate the subject matter of claim 1. Specifically, the Office Action asserted that Cole has a support in form of a generally planar plate, with the Office Action pointing to support 1 as considered as a plate. However, it is respectfully submitted that even prior to the present amendment, Cole did not include a support having a generally planar shape, because the support of Cole is cylindrical. Further, even prior to the present amendment, claim 1 set forth (and continues to set forth) that the cavity of the support contains a product, while the arrangements illustrated in Figures 1-3 of Cole (attached to the Office Action) relate to a tree-like device, e.g., which can then be sent to an assembly location, and which does not contain a product.

Claim 1 is amended to more clearly recite that the support is in the form of a flat plate, with the support traversed by a cavity (which contains the product). Cole fails to disclose or suggest such an arrangement.

With regard to the rejection based upon the combination of Hunkeler and Cole, it is submitted that the Office Action merely combines and construes the references in view of Applicant's disclosure. Nothing in Hunkeler discloses the desirability of providing a detachable applicator, much less how or where such an applicator should be disposed. Further, if one desired to provide a detachable applicator, using the teachings of Cole, there is nothing to suggest that one would replace the cylinders of Cole with a card-like device as disclosed in Hunkeler.

Even the combined teachings of the references fail to disclose or suggest the provision of a packaging device having a support, provided in the form of a plate having two faces which include planar surfaces, and an applicator connected to the support by a junction area which is breakable to detach the applicator from the support. Accordingly, it is submitted that claim 1 is now in condition for allowance, as are the claims depending therefrom.

Further, it is submitted that the cited references fail to disclose or suggest the features set forth in the claims depending from claim 1, including new claims 50-53. New dependent claim 50 recites that the applicator is connected to a side face of the support (which extends between the two planar faces), with the applicator extending along a direction parallel to the two faces. By way of example, as shown in Figures 1-7 of the present application, prior to breaking of the breakable junction, the applicator extends along a direction parallel to the faces of the support. By contrast, even if the tops and bottoms of the cylinders of Cole can be considered as faces of a "plate" as asserted in the Office Action, the applicator 6 extends perpendicular to the faces. It is respectfully submitted that Cole does not disclose or render obvious the combined features of claim 1. Even the combined teachings of Cole and Hunkeler fail to render obvious the features of claim 50 and the claims depending therefrom. If anything, Cole teaches away from claim 50, with Cole teaching an applicator extending perpendicular to the direction of claim 50.

Claim 28 is not amended, and it is respectfully submitted that the cited references fail to disclose or render obvious the combined features set forth therein. The Office Action rejected claim 28 based upon the combination of Hunkeler and Swezey. Specifically, the Office Action asserts it would have been obvious to have modified Hunkeler to provide an adhesive sheet which houses an item such as an applicator in view of Swezey. However, Swezey relates to a display package in which the loop of film 56 performs the sole purpose of holding an article. Nothing in Swezey suggests modification of Hunkeler, nor is there anything in Hunkeler which would suggest a modification to include anything disclosed in Swezey would be desirable. Further, the arrangement of Swezey appears to be clearly incompatible with the arrangement of Hunkeler, because in Swezey the display card is apertured, and the aperture of the display card is registered with a die device in order to form the recess in the film which then holds the article. It is completely unclear how or why one skilled in art would rely upon or provide such an arrangement in the context of a package disclosed by Hunkeler. If one were to utilize an arrangement as disclosed in Swezey, the only opening aperture provided by Hunkeler is already occupied with a sample product.

Moreover, neither of the references suggests the feature of claim 28 in which an adhesive sheet performs two roles (1) closing off the second aperture, and (2) at least partially delineating a housing to receive an applicator. Neither reference suggests an arrangement in which an adhesive sheet both closes off and aperture of the cavity that contains a product, with the adhesive sheet also at least partially delineating a housing designed to receive an applicator. Accordingly, it is submitted that the Office Action improperly combines and construes Hunkeler and Swezey, and moreover, even if the teachings of the references are considered in combination, the arrangement set forth in claim 28 would not result.

It is respectfully submitted that the cited references also fail to disclose or suggest the features depending from claim 28, including new claims 54-59.

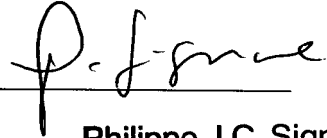
Application No. 10/698,414
Reply to Office Action of June 21, 2006

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance for claims 1-29 and 31-59 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, he or she is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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